

AMENDED IN ASSEMBLY AUGUST 27, 2012

AMENDED IN ASSEMBLY AUGUST 24, 2012

AMENDED IN ASSEMBLY JUNE 25, 2012

**SENATE BILL**

**No. 1040**

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**Introduced by Senator ~~Negrete McLeod~~ Evans**  
(Principal coauthor: Assembly Member Nestande)  
(Coauthor: Assembly Member Chesbro)

February 6, 2012

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An act to repeal Chapter 1.5 (commencing with Section 4210) of Part 2 of Division 4 of the Public Resources Code, relating to fire prevention, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1040, as amended, ~~Negrete McLeod~~ Evans. Fire prevention: fees.

(1) Existing law requires the state to have the primary financial responsibility for preventing and suppressing fires in areas that the State Board of Forestry and Fire Protection has determined are state responsibility areas. Existing law requires the board to adopt emergency regulations to establish a fire prevention fee in an amount not to exceed \$150 to be charged on each structure on a parcel that is within a state responsibility area. The board is required to adjust the fire prevention fee annually using prescribed methods. Existing law requires the State Board of Equalization to collect the fire prevention fees, as prescribed. Existing law requires the Department of Forestry and Fire Protection to annually transmit to the State Board of Equalization the appropriate names and addresses of persons who are liable for the fire prevention fee and the amount of the fire prevention fee to be assessed by the State

Board of Equalization. Existing law establishes the State Responsibility Area Fire Prevention Fund and requires the fire prevention fees collected, except that portion retained by the State Board of Equalization, to be deposited into the fund and to be available, upon appropriation by the Legislature, for specified fire prevention activities, which would benefit the owners of structures in state responsibility areas who are subject to the fire prevention fee, including, but not limited to, covering startup costs, and for the costs of administration, as specified. Existing law requires the State Board of Equalization to retain and expend, upon appropriation by the Legislature, the funds necessary to pay refunds and for its expenses incurred in collection. Existing law permits a person from whom a fire prevention fee is determined to be due to use an appeals process and, if applicable, a refund process.

This bill would repeal the above provisions.

(2) The bill would provide that its provisions take effect only upon the enactment of AB 1500 of the 2011–12 Regular Session.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. It is the intent of the Legislature to repeal the fire
- 2 prevention fee imposed pursuant to Chapter 1.5 (commencing with
- 3 Section 4210) of Part 2 of Division 4 of the Public Resources Code.
- 4 SEC. 2. Chapter 1.5 (commencing with Section 4210) of Part
- 5 2 of Division 4 of the Public Resources Code is repealed.
- 6 SEC. 3. This bill shall take effect contingent on the enactment
- 7 of Assembly Bill 1500 of the 2011–12 Regular Session.
- 8 SEC. 4. This act is an urgency statute necessary for the
- 9 immediate preservation of the public peace, health, or safety within
- 10 the meaning of Article IV of the Constitution and shall go into
- 11 immediate effect. The facts constituting the necessity are:
- 12 To relieve property owners in state responsibility areas from the
- 13 requirement to pay the fire prevention fees, ~~fee~~, it is necessary for
- 14 this measure to take effect immediately.